

DETAILED ACTION

1. Claims 1, 3-7, 23-24, and 32-40 are pending in this application and presented for examination.

Response to Arguments

2. Applicant's arguments, see page 6, filed 5/22/09, with respect to the claim objections and 112 rejections, have been fully considered and are persuasive. The objections and 112 rejections of claim 3 and claims 1, 2-7, 23-24, and 32-35, respectively, have been withdrawn.

3. Applicant's remaining arguments filed 5/22/09 have been fully considered but they are not persuasive.

4. As to claim 1, Applicant argues the software application cannot be interpreted as an IM application as an example of the application is Winword.Exe. However, as pointed out in the remarks (i.e., "For example..."), this is an example and does not specifically limit the claim unless pointed out in the specification to clearly be limited to such a program or to clearly eliminate an IM program from the applications. This is not the case as the specification in fact lists a plurality of possible programs through the use of AP1, AP2, and AP3 (Page 10, line 38, of the specification).

5. Further regarding claim 1, Applicant argues Szeto fails to disclose transmitting information identifying a software application to be monitored to a first computing machine, the information including the name of the software application.

The Examiner respectfully disagrees. In addition to the previously cited section and discussion of the parent case (see last Office action), the Examiner points out the following sections of the parent case, on which Szeto derives its priority: Col. 10, ln. 23-32 and Col. 11, ln 1-14. Clearly, an identifier of the application must be present in a scenario where environment identifiers are sent by via instant messaging to alter the program in ways such as launching the stock application at the remote client. The identifier is interpreted as the claimed "name" of the of the software application.

6. As to claim 23, Applicant argues Szeto fails to disclose entering, by a user of the second communication partner, the information identifying the software application prior to the transmitting. The Examiner respectfully disagrees and points out the relied upon [0084], specifically, after evaluating the message: "Using an identifier, the IM application is retrieved in step 1206." Additionally, Fig. 12A (as cited in the paragraph) discloses the entering of the identifier.

7. As to claims 35-40, the claims are directed to new or amended subject matter and are properly rejected in the prior art section below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-4, 6-7, 23-24, 32-33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al. (McDowell), U.S. Publication No. 2002/0035605 A1, in view of Tzann-en Szeto (Szeto), U.S. Publication No. 2004/0215731 A1.

10. As to claim 1, McDowell discloses a method for remotely monitoring a software application in a packet-switching network (Abstract, ln. 1-4; [0050], ln. 5-8), comprising:

registering the software application by a monitoring application as a first communication partner in a list of communication partners accessible in the network, the software application residing on a first computing machine ([0096] – [0097]; in order to communicate with IM users, an IM user must install the IM program and register an account

and buddy list with the IM server; therefore the IM user's IM program is a software application and the monitoring application is the IM server);

registering a presence application in the list as a second communication partner which monitors the first communication partner, the presence application residing on a second computing machine ([0049], ln. 6 – [0050], ln. 5; [0051]; [0052], ln. 1-2 and 7-16; *especially* [0052], ln. 1-2, “The Presence Server... power[s] the buddy list.”);

remotely monitoring the software application by the registered presence application ([0049] – [0050]; [0052], ln. 7-16); and

transmitting a state of the software application to the presence application as a message transmitted from the first communication partner, wherein the monitoring is carried out on the basis of the message ([0052, ln. 7-16; Page 5, TABLE 1, § ON - <user defined>...).

McDowell is silent on transmitting information identifying the software application to be monitored to the first computing machine, the information including a name of the software application.

However, Szeto discloses transmitting information identifying a software application to be monitored to a first computing machine, the information including a name of the software application ([0082] – [0084]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDowell by transmitting information identifying a software application to be monitored to a first computing machine, the information including the name of the software application as taught by Szeto in order to enable activities such as co-searching, co-browsing, co-drawing, games, etc. (Szeto: [0094]).

11. As to claim 3, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein an instant messaging system is used for registration (McDowell: [0056], ln. 1-7).

12. As to claim 4, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the transmission of the state is secured by a handshake process (McDowell: [0081], ln. 5-7; [0139]; TCP/IP is known in the art to include a handshake process).

13. As to claim 6, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the software application is monitorable by a plurality of presence applications (McDowell: Fig. 7; [0048]; [0049], ln. 6-8), and a plurality of software applications are monitorable by the presence application (McDowell: [0051]; [0056], ln. 4-7).

14. As to claim 7, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the monitoring application which is associated with the software application to be monitored is automatically registered in the list (McDowell: [0096] – [0097]; [0150]).

15. As to claim 23, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the monitoring the software application comprises:

entering, by a user of the second communication partner, the information identifying the software application prior to the transmitting (Szeto: [0084]).

16. As to claim 24, the claim is rejected for reasons similar to claim 23 above.

17. As to claim 32, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the second computing machine receives the software application identifying information (Szeto: [0084]), and

wherein the software application is located in response to receiving the information (Szeto: [0084]).

18. As to claim 33, the claim is rejected for reasons similar to claim 7 above.

19. As to claim 36, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the state of the software application is displayed by the second computing machine as part of a buddy list (McDowell: [0096]).

20. As to claim 37, the claim is rejected for reasons similar to claim 1 above.

Additionally, McDowell discloses transmitting a control instruction from the presence application to the monitoring application, the control instruction for controlling the software application (McDowell: [0056], ln. 4-7 and 13-15; instructions regarding other users presence are transmitted to the client in order to control how the status of the other users on the client's buddy list presented to the client).

21. As to claim 38, McDowell and Szeto disclose the invention substantially as in parent claim 37, wherein the control instruction is transmitted to the monitoring application as an instant message (Szeto: Fig. 12A; [0082] – [0084]).

22. As to claim 39, the claim is rejected for reasons similar to claim 38 above.

23. As to claim 40, the claim is rejected for reasons similar to claim 36 above.

24. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and Szeto as applied to claim 1 above, further in view of IETF; 2.1.12 SIP for Instant Messaging and Presence Leveraging (simple); 7/31/01.

25. As to claim 5, McDowell and Szeto disclose the invention substantially as in parent claim 1, wherein the registration of the software application and the transmission of the state are carried out using an SIP infrastructure (McDowell: [0141], ln. 7-12), but are silent on the SIMPLE extension to the SIP protocol.

However, IETF discloses the SIMPLE extension to the SIP protocol (Pg. 1, heading).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDowell and Szeto by expanding on the use of SIP to include the SIMPLE extension as the motivations for using both are to make use of an interoperable standard.

SIMPLE extends SIP to instant messaging and presence leveraging. As McDowell is directed to presence detection and instant messaging and discloses the use of SIP, the incorporation of SIMPLE is an obvious one in order to make use of a suite of services for instant messaging and presence through an interoperable standard (Description of Working Group, ¶ 1).

26. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and Szeto as applied to claim 1 above, and further in view of Enete et al. (Enete), U.S. Publication No. 2003/0208543 A1.

27. As to claim 34, McDowell and Szeto disclose the invention substantially as in parent claim 1.

The use of both IP addresses and host names may be interpreted as being a part of McDowell and Szeto combination as McDowell discloses an instant messaging system in a TCP/IP environment (McDowell: [0081]; [0139]). A message sent to a screen name in McDowell must translate that information into a corresponding, receiving IP address in order to communicate messages in a TCP/IP instant messaging environment.

Failing this, Enete discloses an instant messaging system in which IP addresses and/or host screen names are sent in messages to identify communication partners ([0067]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDowell and Szeto by explicitly using IP addresses and/or host screen names to contact communication applications in an instant messaging environment as taught by Enete in order to enable communications using standardized

means of network communication, thereby preventing the need for a system to develop its own communications standard and encourage interoperability with other systems/networks.

28. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell and Szeto as applied to claim 1 above, in view of Enete, and further in view of Official Notice (See MPEP 2144.03).

29. As to claim 35, the claim is rejected for reasons similar to claim 34 above.

Additionally, identifying a client by its host name was well known in the art at the time of the invention. As, in fact, this is the purpose of a host name.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDowell, Szeto, and Enete in the aforementioned manner as was well known in the art in order to identify a user using a standardized means for doing so in an instant messaging and/or software application environment (such as those of McDowell and Szeto).

Conclusion

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

31. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (11:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on 571-272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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